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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,106	01/30/2004	Mihai Costea	MS1-1903US	9018
22801	7590	06/29/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER HOANG, DANIEL L	
			ART UNIT 2136	PAPER NUMBER
			NOTIFICATION DATE 06/29/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

<b>Office Action Summary</b>	Application No. 10/769,106	Applicant(s) COSTEA ET AL.	
	Examiner Daniel L. Hoang	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1/30/04, 7/20/05, 9/13/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/20/05, 9/13/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### CLAIM REJECTIONS

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9-16, 20-22, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Edery, US PGP No. 20020013910.

#### **As per claim 1, 14, Edery teaches:**

A processor-readable medium comprising processor-executable instructions for:

parsing an input file to recognize a file format of the input file;

*[see para. 0086]*

checking contents of the input file, according to the recognized file format if available, to determine whether executable code exists within the input file; and

*[see para. 0086]*

sending a status in response to results of said checking.

*[see para. 0087]*

#### **As per claim 2, 15, Edery teaches:**

The processor-readable medium as recited in claim 1, wherein sending a status comprises further instructions for: sending a file-has-no-code status when the file format of the input file was recognized and no executable code was found; and sending a file-has-code status when executable code was found.

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*[see para. 0087]*

**As per claim 3, 16, 22, Edery teaches:**

The processor-readable medium as recited in claim 1, additionally comprising further instructions for sending a don't-know status when the file format of the input file was not recognized.

*[see para. 0088]*

**As per claim 4, 20, Edery teaches:**

The processor-readable medium as recited in claim 1, wherein parsing the input file comprises further instructions for parsing the input file repeatedly with a plurality of component parsers contained within an extensible parser.

*[see para. 0092]*

**As per claim 5, Edery teaches:**

The processor-readable medium as recited in claim 4, additionally comprising further instructions for sending a don't-know status when each of the plurality of component parsers contained within the extensible parser fails to recognize sections of the input file.

*[see para. 0092]*

**As per claim 9, Edery teaches:**

The processor-readable medium as recited in claim 1, wherein checking contents of the input file comprises further instructions for operating a component parser portion of an extensible parser to recognize a specific data file format.

*[see para. 0086]*

**As per claim 10, 28, Edery teaches:**

The processor-readable medium as recited in claim 1, wherein parsing the input file comprises instructions for operating a parser configured to recognize a plurality of file formats.

*[see para. 0086]*

**As per claim 11, 29, Edery teaches:**

The processor-readable medium as recited in claim 1, wherein checking contents of the input file comprises further instructions for operation of a compound parser including a plurality of component parsers, wherein each of the plurality of component parsers is configured for recognition of a specific file format.

*[see para. 0093]*

**As per claim 12, Edery teaches:**

The processor-readable medium as recited in claim 11, additionally comprising further instructions for continuing to parse the input file with all remaining component parsers after at least one component parser recognizes the file format of the input file.

*[see para. 0092]*

**As per claim 13, Edery teaches:**

The processor-readable medium as recited in claim 11, additionally comprising further instructions for parsing the input file until a component parser recognizes the file format of the input file.

*[see para. 0092]*

**As per claim 21, Edery teaches:**

An apparatus for detecting code-free files, comprising:

a compound parser configured to repeatedly parse an input file, wherein each component parser within the compound parser is configured to recognize executable code within a specific file format selected from among a group of data file formats; and

*[see para. 0086]*

a controller to examine success of each of the component parsers to recognize the specific file format for which it was configured to recognize and to find executable code within the input file, wherein the controller is configured to send a status in response to results of said checking.

*[see para. 0087]*

**As per claim 26, Edery teaches:**

The apparatus as recited in claim 21, additionally configured to send the status to: a firewall; a host intrusion detector; or a host vulnerability assessor.

*[see para. 0047]*

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 17-19, 23-25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edery, as applied to claim 1 above.

**As per claim 6-8, 17-19, 23-25, 27, Edery teaches:**

The processor-readable medium as recited in claim 1, wherein sending the status comprises further instructions for sending the status to an email program/instant messaging program/internet browsing program.

Edery teaches alerting one or more users/administrators but does not specifically mention whether said alert is sent via email, IM, or browser. Depending on the user's capabilities, examiner interprets that it would have been obvious to send said alert via any of the above applications or any other applicable application. Examiner further interprets that this is merely a design choice and a certain user system's functionality.

## POINTS OF CONTACT

- \* Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314


- \* Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).*

  
Daniel L. Hoang  
6/20/07

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
6,22,07